

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: TOVEY=1A

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| In re Application of: |) | Conf. No.: 1869 |
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| Michael TOVEY |) | Art Unit: 1614 |
| |) | |
| Appln. No.: 09/243,030 |) | Examiner: R. Cook |
| |) | |
| Filed: February 3, 1999 |) | Washington, D.C. |
| |) | |
| For: THERAPEUTIC APPLICATIONS |) | May 8, 2006 |
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TERMINAL DISCLAIMER

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

Pharma Pacific PTY Ltd., a corporation of the Country of Australia, having a principal place of business at 10-3 - 105 Pipe Road, Laverton North, 3026 Victoria, Australia (hereinafter referred to as "Assignee"), is the owner of 100% of the entire right, title and interest in the present application (identified above) and any patent to be granted thereon. Assignee, through its undersigned attorney of record, hereby disclaims the terminal part (if any) of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,361,769, plus any extension thereof which may be

subsequently granted, and hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 6,361,769, this agreement to run with any patent granted on the present application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the full statutory term of United States Patent No. 6,361,769 in the event that the latter patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the present application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)).

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to

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effectuate said intent. No admission is made that any claim of the present application is obvious over any claim of Patent No. 6,361,769.

The statutory disclaimer fee of \$130.00 per 37 C.F.R. §1.20(d) is attached.

Respectfully submitted,

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